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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/942,188	11/19/2007	Richard J. Cohen	AUS920070682US1	1143

87220 7590 02/02/2017

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ART UNIT	PAPER NUMBER
3629	

MAIL DATE	DELIVERY MODE
02/02/2017	PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte RICHARD J. COHEN and RANDOLPH M. FORLENZA

Appeal 2014–007058
Application 11/942,188
Technology Center 3600

Before ANTON W. FETTING, KENNETH G. SCHOPFER, and BRADLEY B. BAYAT, *Administrative Patent Judges.*

FETTING, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE[1]

Richard J. Cohen and Randolph M. Forlenza (Appellants) seek review under 35 U.S.C. § 134 of a final rejection of claims 1–4, 6–12, and 14–24, the only claims pending in the application on appeal. We have jurisdiction over the appeal pursuant to 35 U.S.C. § 6(b).

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[1] Our decision will make reference to the Appellants' Appeal Brief ("App. Br.," filed December 18, 2013) and Reply Brief ("Reply Br.," filed June 9, 2014), and the Examiner's Answer ("Ans.," mailed April 9, 2014), and Final Action ("Final Act.," mailed July 18, 2013).

The Appellants invented a way of using hierarchical groupings to organize governance, risk, and compliance guidelines, policies, categories, and rules. Specification para. 2.

An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below (bracketed matter and some paragraphing added).

> 1. A method in a data processing system for managing governance, risk, or compliance policies,
>
> the method comprising:
>
> [1] providing, by the data processing system, a graphical user interface to a user to provide management of a hierarchical grouping structure of
>
> guide nodes,
>
> category nodes,
>
> policy nodes, and
>
> rules,
>
> wherein each rule is organized under one or more policy nodes,
>
> wherein each guide node represents a high level organization for a set of compliance policies,
>
> wherein each category node represents a grouping of policies within the set of compliance policies,
>
> wherein each policy node attaches one or more rules;
>
> [2] receiving, by the data processing system, input from a user via the graphical user interface to manage the hierarchical grouping structure of guide nodes, category nodes, policy nodes, and rules;
>
> [3] modifying, by the data processing system, the hierarchical grouping structure based on the input from the user to form a modified hierarchical grouping structure of guide nodes, category nodes, policy nodes, and rules;

> [4] storing the modified hierarchical grouping structure of guide nodes, category nodes, policy nodes, and rules to a database in a computer storage;
>
> and
>
> [5] responsive to selection of a rule, displaying, by the data processing system via the graphical user interface, a view of which guide nodes the selected rule is organized under in the hierarchical grouping structure of guide nodes, category nodes, policy nodes, and rules.

The Examiner relies upon the following prior art:

Albazz	US 2002/0103661 A1	Aug. 1, 2002
Li	US 7,836,427 B1	Nov. 16, 2010

Claims 1–4, 6–12, and 14–24 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Albazz and Li.

ISSUES

The issues of obviousness turn primarily on whether a hierarchical relationship may be implemented using plural data structures.

FACTS PERTINENT TO THE ISSUES

The following enumerated Findings of Fact (FF) are believed to be supported by a preponderance of the evidence.

Facts Related to the Prior Art

Albazz

01. Albazz is directed to a system and method for representing business policies and procedures and governing the conduct of business activities using a business rules book. Albazz para. 2.

02. Albazz describes representing business policy and the governing of business activities using a centrally stored Business Rules Book (BRB). A Business Rules Book maintained by an organization contains a set of policy and procedural rules governing most aspects of the organization's internal and external activities. The organization maintains stored Policy Sets, each representing a unique set of rules and policy instances selected from the Business Rules Book. Albazz para. 9.

03. Albazz describes the Business Rules Book (BRB) as an entity which resides on the organization computer system. The BRB is a compilation of business rules which is preferably a centrally-stored codification of all business policies and procedures, industry practices, and the scope, constraints, and characteristics of the organization's business offerings and/or requirements. Albazz para. 32.

04. Albazz describes the Business Rules Book as containing any desired number of "Pages", which are preferably logically organized into business disciplines that are sensible within the context of the organization's business and industry. For example, separate Pages could be provided for internal processes like supplies and services procurement; contract-specific elements such as pricing and discounts, order fulfillment, billing practices, invoice layout, payment schedules etc.; along with Pages defining industry-specific elements such as group insurance policies, regulatory practices etc. A Page can be further divided into a plurality of "Folds", by which each Fold inherits the main characteristics of the Page but can also hold its own specific set of parameters. Pages can also be grouped together in an aggregate Page. Albazz para. 33.

05. Albazz describes each BRB Page and Fold as holding a predefined set of parameters, which represent the full spectrum or range of activities undertaken by the organization in the category to which the Page or Fold is directed. Each parameter is linked to a corresponding linking program which executes the required business logic to implement the rules contained within the respective Page or Fold. Linking programs can be written in any language, however rules engines are preferred for their flexibility and ease of use. Albazz para. 34.

06. Albazz describes the BRB as being used in conjunction with Policy Instances. Each Policy Instance represents a set of specific Instances of Pages in the Business Rules Book. Like the BRB, the

Policy Instances can also be considered to consist of Pages. Each Page of the Policy Instances corresponds to a Page in the Business Rules Book, and provides the appropriate execution parameters for the BRB Page logic. For example, if the BRB page contains logic to determine allowable discounted prices, the corresponding Policy Instance would set the discount percentage, for example based upon permissible discounts that can be offered by the personnel making the offer. Albazz para. 37.

07. Albazz describes the Policy Instances as combining to generate a specific Policy Set within the parameters established by the BRB, which is customized to each level, department and even (if desired) employee within the organization. Albazz Fig. 2 illustrates the hierarchical relationship between the Policy Set and the BRB. Albazz para. 38.

08. Albazz describes the organization's administration staff, using the BRB as a guide, creating test Policy Instances and Sets for approval by management, and ultimately publishing a collection of approved Policy Sets each specifying respective sets of Policy Instances representing specific Pages of the organization's BRB. The organization also compiles a product catalog, or a group of catalogs or other product information sources, featuring the complete list of products to be made available to internal and external users, preferably identifying one or more product categories for each product. If it is determined that the existing BRB is not flexible enough to generate practical or effective Policy Sets, management can initiate the process of adding new

pages to the BRB or extending or amending existing BRB Pages. Albazz paras. 65–66.

Li

09. Li is directed to tree-based rule composition. Li 1:7–10.

10. Li describes a graphical user interface for displaying and editing rules. Li Fig. 2; 4:50–54.

ANALYSIS

We adopt the Examiner's findings and analysis from Final Action 3–10 and Answer 9–23 and reach similar legal conclusions. We now address the arguments raised in the Reply Brief.

We are not persuaded by Appellants' argument that

> Albazz does not teach that a Policy Instance is a node of the Business Rules Book attaching one or more rules such that a rule is organized under a policy node, which is organized under a guide node, and a user can select, via a graphical user interface, a rule node to display the guide node under which the selected rule node is organized in the hierarchal grouping.

Reply Br. 3. Appellants are arguing that Albazz uses two structures rather than a single structure. App. Br. 9.

Albazz describes a Business Rules Book (BRB) that is hierarchically organized into business disciplines, such as internal processes, contract elements, and industry specific elements. Each of these in turn are subdivided into specific categories such as supplies and services procurement, pricing and discounts, order fulfillment, billing practices, invoice layout, payment schedules. Each of these in turn are subdivided into

aggregate pages, in turn divided into individual pages. This accounts for the hierarchy of guide and category. Albazz goes on to describe how each Policy Instance represents a set of specific Instances of Pages in the Business Rules Book. This linkage between specific pages and policy instances is then a continuation of the hierarchy down to the next level corresponding to the recited policy. As each policy instance in turn contains the appropriate execution parameters for the page logic, such parameters rule such specific policy execution, and in that sense are rules, as for example in determining allowable discounted prices.

The key here is that the claims recite a hierarchy, but do not narrow or specify any particular data structure for implementing that hierarchy. The recited nodes are not physical, but logical groupings, which Albazz describes. In any event, it was at least predictable to instantiate the labels for such groupings if only to allow the viewer to follow the organization of the BRB, and such instances would then be some form of node implementation.

We come now to the crux of Appellants' argument, viz. that Albazz implements its hierarchy with two structures. Again, the claims do not recite or narrow the manner of implementation. As Albazz explicitly describes, its Figure 2 is a visual representation of the single hierarchy Albazz creates. That it is implemented with two data structures is not pertinent where the claim does not recite any particular implementation.

As to claim 2, reciting a category node being organized under a guide node, we are not persuaded by Appellants' argument that Albazz fails to describe this. Reply Br. 5–6. We find this organization supra.

As to claim 4, reciting a category node not being organized under a guide node, we are not persuaded by Appellants' argument that Albazz fails to describe this. Reply Br. 6. This is a logical and common sense implication of the instance where a business discipline has only a single subdivision. There would be no need for labelling the business discipline in that instance.

As to claim 6, reciting a policy node not being organized under a guide or category node, we are persuaded by Appellants' argument that Albazz fails to describe this. Reply Br. 7. Albazz explicitly ties its policies to the pages that represent guide and category instances.

As to claim 21, reciting the hierarchical grouping of guide nodes structure comprises a first guide node associated with a first regulation guideline and a second guide node associated with a second regulation guideline, we are not persuaded by Appellants' argument that the claim is more specific than Examiner finds. Reply Br. 7. Appellants do not discuss specifically how that applies here. As Albazz's policies and rules are associated with its pages which are organized by business discipline, the recited association is explicit. The claim does not specify or narrow the implementation of such association. The arguments to claims 22 and 23 are similarly unpersuasive as not specifying why the Examiner rejection is improper.

CONCLUSIONS OF LAW

The rejection of claims 1–4, 6–12, and 14–24 under 35 U.S.C. § 103(a) as unpatentable over Albazz and Li is proper.

DECISION

The rejection of claims 1–4, 6–12, and 14–24 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv) (2011).

AFFIRMED